



# News Release

U.S. Department of Labor  
Office of Public Affairs  
Washington, D.C.  
Release Number 06-1578-NAT

For Immediate Release  
Date: September 8, 2006  
Contact: Dirk Fillpot Amy Louviere  
Phone: (202) 693-9406 (202) 693-9423

## MSHA Publishes Proposed Rule to Raise Mine Safety Penalties

**WASHINGTON** – The U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) published a proposed rule today in the *Federal Register* to raise civil penalties for violations of the Mine Safety and Health Act. MSHA also announced public hearings to solicit comments on the proposed rule.

“This updated civil penalty structure provides increased incentive to mine operators to comply with federal safety laws to protect the safety of America’s miners,” said David G. Dye, acting administrator of MSHA. “We anticipate that these stronger penalties will induce mine operators to improve their safety and health programs, which prevent hazards from endangering the safety of America’s miners in the first place.”

Fines assessed in 2005 would have been nearly tripled had the proposed penalty structure been in effect. In its economic analysis, MSHA estimates that most mine operators will improve compliance efforts as a result of the proposal, which would ultimately reduce the number of violations cited and the total fines assessed.

The proposed rule MSHA published today incorporates the MINER Act provision that imposes a maximum penalty of \$220,000 for flagrant violations. MSHA’s proposed rule also includes a minimum penalty of \$2,000 for unwarrantable failure violations, and \$4,000 for repeated similar violations. The proposal would also establish a penalty of \$5,000 to \$60,000 for operators who fail to notify MSHA within 15 minutes of a death, injury, or entrapment with reasonable risk of death at a mine.

Under this rule, MSHA proposes to eliminate the current \$60 single penalty assessment for non-serious violations that are corrected in a timely manner. Under the proposal, MSHA would use a formula system for processing most violations; however, penalty amounts would increase. MSHA has restructured the proposed schedule to reflect higher penalties for mine operators who have a history of repeated violations of the same standard. The proposed rule retains MSHA’s authority to issue special assessments to increase penalties for certain violations.

MSHA announced six public hearings on the proposed rule to solicit input from stakeholders and the public. The public hearings will be held at the following locations:

Sept. 26 at the Mine Safety and Health Administration, 1100 Wilson Blvd., 25<sup>th</sup> floor conference room, Arlington, Va.; Sept. 28 at the Sheraton Birmingham, 2101 Richard Arrington Jr. Blvd. North, Birmingham, Ala.; Oct. 4 at the Hilton Salt Lake City Center, 255 South West Temple, Salt Lake City; Oct. 6 at the Hilton St. Louis Airport, 10330 Natural Bridge Road, St. Louis, Mo.; Oct. 17 at the Charleston Marriott Town Center, 200 Lee Street East, Charleston, W.Va.; and Oct. 19 at the Pittsburgh Airport Marriott, 777 Aten Road, Coraopolis, Pa.

Requests to speak at the public hearings may be made by telephone at (202) 693-9440, fax at (202) 693-9441, or mail to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Rm. 2350, Arlington, Va. 22209–3939.

MSHA’s proposed rule to update the penalty structure for mine safety violations is available at [www.msha.gov](http://www.msha.gov).

###

U.S. Labor Department (DOL) releases are accessible on the Internet at [www.dol.gov](http://www.dol.gov). The information in this news release will be made available in alternate format upon request (large print, Braille, audio tape or disc) from the COAST office. Please specify which news release when placing your request. Call (202) 693-7765 or TTY (202) 693-7755. DOL is committed to providing America’s employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit [www.dol.gov/compliance](http://www.dol.gov/compliance).